

DREAMBUILDER

SEA 1(A) General Contractor, CA Class A 073456, DUNS #939523513

Bid Protest Letter

Department of Transportation

Date: 12/5/2016

Office Engineer MS 43

1727 30th Street, Sacramento, Ca 95816

Ph: 916-227-6280 Fax: 916-227-6282

Attn: Office Engineer**Sub: Bid protest for Caltrans Contract # 04-2G5024 Bid open on 11/17/2016 @ 2:00PM in Sacramento**

Reference: Caltrans bid proposal for Contract # 04-2G5024

Dear Sir / Madam,

We bid this project and were the apparent 2nd lowest bidder on this project. We are filing formal bid protest as follows:

Apparent low bidder FBD Vanguard Construction Inc. (FBD)'s bid failed to comply with both State and Federal contract approval process, therefore their bid must be rejected as nonresponsive bid.

As part of the bid review & contract award process, Department must examine the submitted bids to determine whether each bid is responsive. A bid is non responsive if the bid is unbalanced to the detriment of the state (mathematically & materially unbalanced bid). There is no doubt, FBD has unbalanced bid mathematically as well as materially.

Our explanation is as follows:

1. FBD unbalanced its bid item # 3 (Traffic Control System)

Item #	Work Description	FBD's Bid Amount	All Cost of Traffic control as listed in DBE Submittal	% FBD has Unbalanced its bid
3	Traffic Control Service	\$263,000.00	\$126,225.00	+ 108%

Based on above table FBD's bid is unbalanced, they listed CMC traffic for item # 3 100% at the time of bid but they have claimed on DBE confirmation that CMC Traffic is performing (100%) all traffic control cost for \$126,000.00. This bid item is too high for the number of shift needed and the days bid. This item does not reflect reasonable cost of item plus reasonable profit, overhead cost or any another direct cost.

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SBA 8(A) General Contractor CA Class A #073436 DUNS #039573515

Table 1 shows that FBD has unbalance bid price for item # 3 by +108%. Clearly FBD has unbalanced its price for bid item # 3 and bid this item up. It is reasonable to assume FBD bid a very high price for the lump sum item # 3 which improperly includes costs from other items.

2. FBD unbalanced its bid Item # 8 (Job Site Management)

Item #	Work Description	FBD's Bid Amount	Average of All others bids	% FBD has unbalanced its bid
8	Job Site management	\$81,000.00	\$9,770.00	+ 729%

Based on above table, FBD bid is unbalance bid, it is clear that FBD' bid price is not in conformance of others bidders. This is a very high price for a project which is bid for 38 working days only. Their cost for this item should be less than other bidders due to taking less# of working days and shift, since this item cost is based on # of working days.

This bid item was bid too high and does not reflect reasonable cost of item plus reasonable profit, overhead cost or any another direct cost.

Table 2 shows how FBD has unbalanced bid price for item# 8 by 729% higher than average price of other bidders.

Clearly FBD has unbalanced its price for bid Item # 8 and bid this item up. It is reasonable to assume FBD high bid price for item # 8 improperly includes costs from other items.

3. FBD unbalanced It's bid for item # 57 (Concrete Barrier Transition)

Item #	Work Description	FBD's Bid Amount	Average of All others bids	%FBD has unbalanced Its bid
57	Concrete Barrier Transition	\$228,500.00	\$445,575.00	(-) 50%

Based on the above table, FBD bid is unbalanced for item# 57, it is clear that FBD' bid price is not in conformance of others bidders.

They have bid this item too low. This item does not reflect reasonable cost of item plus reasonable profit, overhead cost or any another direct cost.

Hence it is obvious that FBD has unbalanced its bid price for item # 57 by approximately 50% lower than average price of others bidders.

Clearly FBD has unbalanced its price for bid item # 57 and bid this item too low. It is reasonable to assume FBD high bid price for item # 3 & 8 improperly includes costs from low bid for item # 57 and other items.

4. The state will pay more as a result FBD' unbalance bid, if FBD is awarded this contract.

A bid is materially unbalanced if there is reasonable doubt the bid will result in the lowest ultimate cost to the state even though it may initially be low evaluated bid. As previously noted FBD significantly underbid item # 57. Thus it is reasonable to assume that FBD put greater portion of the cost for item # 57 in another items including item # 3 and item # 8. FBD's unbalanced bid would effectively avoid sharing cost saving with the state that may result from actual quantities installed for

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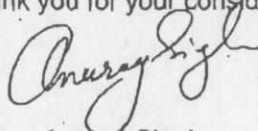
the work. Their Bid is structured to protect revenue when the actual installed quantity for bid Item Number 57 is measured.

Based on the item cost listed for bid items 3, 8, and 57 it can be easily determined that FBD's bid is Mathematically and materially unbalanced since there is a reasonable doubt that FBD's bid would result in the lowest ultimate cost to the state.

5. Change in subcontractor listing %.

At the time of bid FBD listed CMC Traffic for 100% of item # 3, but at the time of DBE submittal they reduced their work by 47% (\$126,500). Making changes to subcontract percentage past the 24hr period as defined in Standard Specifications.

Thank you for your consideration. Sincerely,



Anurag Singh

President.

11-24-16 11:25 RCVD

60125 RCVD

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
DBE - COMMITMENT
 DES-CE-0102.100 (REV 12/2014)

CONTRACT NO.
04-2G5024

BID AMOUNT:
\$ 2,173,846.50

BID OPENING DATE:
November 17, 2016

BIDDER'S NAME:
FBD Vanguard Construction, Inc.

DBE GOAL FROM CONTRACT %:
14.0%

Low Bidder

DBE PRIME CONTRACTOR CERTIFICATION: **None** TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) **6** TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE) **\$677,559.70**

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	WORK CATEGORY CODES ²	NAME OF DBE (Must be certified on the DBE bid are opened. Include California's certification no., DBE address, and phone number. Show 2nd and 3rd party subcontractors)	AMOUNT (\$)
3	Traffic Control System	C1201	CMC Traffic Control Specialist 3450 3rd Street, Suite 3G San Francisco, CA 94124 Ph: 415-206-1700 DBE# 33473	\$128,225.00
58	Modify Existing Electrical System	C8802, C8858	Columbia Electric 1980 Davis Street San Leandro, CA 94577 Ph: 610-430-9505 DBE# 38528	\$123,000.00

47%

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.)

¹Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

²If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

³Use Work Category Codes from the California Unified Certification Program database.

Total Claimed Participation

Cont. on
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14.2 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.63).

Signature of Bidder

Billie Sposeto, President

11/21/2016
Date

(925) 245-1300
(Area Code) Tel. No.

Jason Muller
Person to Contact

(Please Type or Print)

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Contract No. 04-2G5024